

## ULF LINDERFALK

### A SHORT BIOGRAPHY

I am an Associate Professor (Sw. *docent*) of International Law at the Faculty of Law, Lund University. This is where I have been employed since 2001, when I successfully defended my doctoral dissertation. The dissertation inquires into the system of legal rules laid down in Articles 31-33 of the *1969 Vienna Convention on the Law of Treaties*. In 2007, a revised English version of this piece of work was published at Springer Verlag. (See *On the Interpretation of Treaties. The Modern International Law as Expressed in the 1969 Vienna Convention on the Law of Treaties*.) The anonymous Springer referee described the book as “the most analytically refined and theoretically informed analysis of the rules that govern Treaty interpretation”. The book was nominated for the 2008 Book Prize awarded by the European Society of International Law. It has been reviewed in leading international law journals such as the *American Journal of International Law*, the *European Journal of International Law*, and *Canadian Yearbook of International Law*. My book has come to be generally recognized as one of two leading works presently existing on the interpretation of treaties. In the recently published two-volume Commentary on the 1969 and 1986 Vienna Conventions on the Law of Treaties, it is cited extensively. (See *The Vienna Conventions on the Law of Treaties. A Commentary*, Vols. 1-2, eds Corten, Olivier and Klein Pierre (Oxford University Press, 2011).

In my later research, I have partly continued exploring the international law of treaties, particularly in the context of the reservation to treaties and the resolution of normative conflicts. Partly, I have broadened my field of research to include also a number other subject-areas. When I am asked to briefly describe my international legal research, I usually say my interest lies mainly with questions of a systemic character. Such questions allow me to combine my broad generalist knowledge of international law with a keen interest for legal theory. I believe this combination has proved productive.

Since 2007, I am the Chief Investigator of a small research group formed for the purpose of critically studying the conceptualization and usage of *jus cogens* norms in international law and international legal discourse. The project is funded by the Swedish Council of Research for a period of three years (recently extended up until the end of 2011). The group of peers assigned by the Council to review the project described it as “excellent”.<sup>1</sup> In the terminology of the Council this is tantamount to saying that “the project represents, and the researcher performs, excellent research that attracts attention among leading researchers, comparable with the very best achieved in Sweden in the field”.<sup>2</sup> Hitherto, the Jus Cogens Project has produced altogether nine articles in peer-reviewed international law journals, and the writing

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<sup>1</sup> My translation. In Swedish, the term used is “utmärkt”.

<sup>2</sup> My translation. In Swedish, the description reads as follows: “[p]rojektet representerar och forskaren bedriver utmärkt forskning, uppmärksammas av ledande forskare, jämförbar med den allra bästa i Sverige inom ämnesområdet”.

of a monograph was initiated in 2010. According to plans, writing will be completed at the end of 2012.

I have received funds from the Swedish Institute on Legal Scientific Research (*Institutet för rättsvetenskaplig forskning*) to conduct investigations on *The Many Functions of International Legal Concepts*. This project is a spin-off of the earlier Jus Cogens Project, which addresses, among other things, the role of the jus cogens concept in international legal discourse. For the purposes of my project, a concept is a mental representation. It is the generalized idea of an empirical or normative phenomenon or a class of such phenomena. Such ideas figure prominently in the way international lawyers think and talk about international law. This raises questions about their possible function or functions. Arguably, international legal concepts would not be used on such a large scale if they did not also fill important needs. What exactly are those needs? What does international legal discourse need legal concepts for? By providing this question with an answer, we will be equipped to start asking questions about the interplay between international law and the individuals, groups, and institutions who exploit it. What function or functions serve whose interest in which context or contexts? Arguably, in the longer perspective, such questions will contribute to a better understanding of the creation and development of international law. The project on *The Many Functions of International Legal Concepts* extends over a three year period. It will produce two to three articles a short monograph.

As an international legal researcher I am anxious and particular about communicating my research in an effective way. I publish in peer-reviewed international law journals, most prominently in the *European Journal of International Law*, in the *Netherlands International Law Review* (three articles), and in the *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (two articles). My writing attracts the attention of colleagues world-wide, as confirmed by the several reviews of my monograph and by the extensive references to this book in the Commentary to the 1969 and 1986 Vienna Conventions. Furthermore, and notably, I have been cited and considered by the International Law Commission in connection with the work accomplished by this important UN body on the Fragmentation of International Law, and on Reservation to Treaties, respectively. In 2010, I spent two months as visiting research fellow at the University of New South Wales in Sydney, Australia, after having received a scholarship by this University funding my entire stay. The scholarship is awarded "to research scholars of established standing and experience in the academic community". I contribute to international legal conferences. Since April 2011, I am the Editor-in-Chief of the *Nordic Journal of International Law*.

An Associate Professor of International Law at the Faculty of Law, Lund University, I am responsible for the teaching of international law at the Lund LL.M. program. I am the director of the International and Comparative Law course (15 ECTS) given to students at their sixth term of studies, and I do most of the teaching at this course, at least as far as public international law is concerned. At different occasions during my ten years in Lund, I have had the pleasure of offering three separate Advanced Courses of International Law (each 15 ECTS), tailored for students at their seventh and eighth terms of studies, for the purpose of which courses I have also done most of the teaching. During my stay at the University of New South Wales in Sydney, I gave a 24 hour course to post-graduate students on *Fragmentation of International Law*.

I am the Director of the postgraduate program specializing in General International Law. I have been a Visiting Professor or Guest Lecturer at the University of New South Wales,

Sydney; at the Faculty of Law, Oslo University; at the Department of Law at the Gothenburg University of Business; and at the Faculty of Law, Stockholm University. As can be seen from my list of publication, I have authored two textbooks. I am presently supervising my first three doctoral candidates.

## PRINCIPAL SCHOLARLY PRODUCTION

### 1 Monographs and Textbooks

*Folkrätt – frågor och tillämpningar* (Liber, 2009), 205 pages

*On the Interpretation of Treaties. The Modern International Law as Expressed in the 1969 Vienna Convention on the Law of Treaties* (Springer, 2007), 460 pages

*Folkrätten i ett nötskal*, red. Linderfalk (Studentlitteratur, 2006), 198 pages

*Om tolkningen av traktater*, doctoral dissertation (Lund: Lund University, 2001), 441 pages

### 2 Articles

“The Many Functions of International Legal Concepts, Part One”, Working Paper, 22 pages, June 2011, available through the Social Science Research Network:  
<[http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=1481458](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1481458)>

“The Application of International Legal Norms Over Time: The Second Branch of Intertemporal Law”, *Netherlands International Law Review*, Vol. 58 (2011), pp. 147-172

“The Source of *Jus Cogens*: How Legal Positivism Copes with Peremptory International Law”, 21 pages, submitted for publication review, March 2011

“The Creation of *Jus Cogens*: Making Sense of Article 53 of the Vienna Convention”, 19 pages, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (=Heidelberg Journal of International Law), Vol. 71 (2011), pp. 359-378

“What’s so Special About *Jus Cogens*: On the Distinction between the Ordinary and the Peremptory International Law”, 19 pages, *International Community Law Review*, 2011, accepted for publication, forthcoming

“International Legal Hierarchy Revisited: The Status of Obligations *Erga Omnes*”, *Nordic Journal of International Law*, Vol. 80 (2011), pp. 1-23

“The Post-9/11 Discourse Revisited: The Self-Image of the International Legal Scientific Discipline”, *Göttingen Journal of International Law*, Vol. 2 (2010), pp. 893-949

“Jus Cogens”, *IVR Encyclopaedia of Jurisprudence, Legal Theory and Philosophy of Law*, editor-in-chief Veteris, Eveline, entry published on 11 May 2010, the entire Encyclopaedia is available through the official web-site of the International Association for Philosophy of Law and Social Philosophy (IVR): <<http://ivr2003.net/bologna>>

“Normative Conflict and the Fuzziness of the International *Ius Cogens* Regime”, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (=Heidelberg Journal of International Law), Vol. 69 (2009), pp. 961-977

“State Responsibility and the Primary-Secondary Rules Terminology: The Role of Language for an Understanding of the International Legal System”, *Nordic Journal of International Law*, Vol. 78 (2009), pp. 53-72

“Who are ‘the parties’? Article 31 § 3(c) of the 1969 Vienna Convention, and the ‘Principle of Systemic Integration’ Revisited”, *Netherlands International Law Review*, Vol. 55 (2008), pp. 343-364

“Doing the Right Thing for the Right Reason: Why Dynamic or Static Approaches Should be Taken in the Interpretation of Treaties”, *International Community Law Review*, Vol. 10 (2008), pp. 109-141

“The Effect of *Jus Cogens* Norms: Whoever Opened the Pandora’s Box, Did You Think About the Consequences?”, *European Journal of International Law*, Vol. 18 (2007), pp. 853-871

“Is the Hierarchical Structure of Articles 31 and 32 of the Vienna Convention Real or Not? Interpreting the Rules of Interpretation”, *Netherlands International Law Review*, Vol. 65 (2007), pp. 133-154

”On the Meaning of the ‘Object and Purpose’ Criterion, in the Context of the Vienna Convention on the Law of Treaties, Article 19”, *Nordic Journal of International Law*, Vol. 72 (2003), pp. 429-440

### 3 Book Chapters and the Like

“Examensarbetets när, hur och varför? Om skrivandet av en tjugopoängsuppsats i folkrätt på Juris kandidatprogrammets sista termin”, *I lärandets tjänst. Vänbok till Karin Adlercreutz*, eds. Lindskoug, Patrik and Maunsbach, Ulf (Juristförlaget i Lund, 2009), pp. 89-103

”Reservations to Treaties and Norms of *Jus Cogens* – A Comment on Human Rights General Comment No. 24”, *Reservations to Human Rights Treaties and the Vienna Convention Regime*, ed. Ziemele, Ineta (2004), pp. 213-234

Om sammanjämkning som metod vid tolkningen av flerspråkiga traktater: Några ord rörande 1969 års Wienkonvention om traktaträtten, artikel 33 § 4”, *Segrande bidrag i SvJT:s tävling i juridiskt författarskap för yngre yrkesverksamma jurister*, 1996, 14 pages, unpublished

”Människorätt och metodik”, 1994, Contribution to Festschrift edited by Prof. Kjell-Åke Modéer, 1994, 35 pages, due to a scant number of submissions the Festschrift never reached the stage of publication

#### **4 Conference Papers (a non-exhaustive list)**

“The Many Functions of International Legal Concepts”, paper in progress, presented at the Introductory Explanatory Workshop on Imagining the Future Climate Regime: Conceptions of Risk, the Regulation of Uncertainty and the Clash of Precautions, Lund, 5 May 2011, 7 pages

“Treaties and the avoidance and resolution of normative conflict: With specific regard to the international *jus cogens* regime”, solicited conference paper, presented at the Conference on Public International Agreements: Theory and Practice, organized by the State Chancellery of Latvia, Riga, 30-31 October 2008, 7 pages

“The Effect of *Jus Cogens* Norms: Whoever Opened the Pandora’s Box, Did You Ever Think About the Consequences?”, solicited paper, presented at a seminar with the Swedish Institute for International Law, Uppsala, 28 March 2007, 25 pages

“The Effect of *Jus Cogens* Norms: Whoever Opened the Pandora’s Box, Did You Ever Think About the Consequences?”, refereed conference paper, presented at The New International Law Conference, Organized by the Faculty of Law, Oslo University, Oslo, 15-17 March 2007, 25 pages

“The Missing *Jus Cogens* and Inter-Temporal Law Arguments: Operation Enduring Freedom Considered at Some Distance”, refereed conference paper, presented at the Second Biannual Conference of the European Society of International Law, Paris, 18-20 May 2007, 29 pages

“On the meaning of the ‘object and purpose’ of a treaty, in the context of the Vienna Convention on the Law of Treaties, Article 19”, solicited conference paper presented at the Seminar on Reservations to Human Rights Treaties, Lund, 6-7 December 2002, organized by the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, in cooperation with the German Institute for Human Rights, 15 pages